

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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SECURITIES AND EXCHANGE

COMMISSIONS,

Plaintiff,

vs.

R. BROOKE DUNN AND NICHOLAS P.

HOWEY, et al.,

Defendants.

2:09-cv-02213-JCM-VCF

**STIPULATION AND ORDER VACATING
TRIAL DATE**

1. Whereas the staff of the Plaintiff Securities and Exchange Commission ("SEC") has agreed to recommend to the SEC the settlement of the above-captioned matter on terms agreeable to Defendants ; and

2. Whereas the terms of the settlement agreement provide that the issue of whether to impose an officer and director bar under Section 21(d)(2) of the Exchange Act [15 U.S.C §78(u)(d)(2)] (and, if so, of what duration), shall be submitted to the Court by motion;

The Court hereby ORDERS that:


- a. The April 23, 2012 trial date in this matter is vacated;
- b. The SEC shall present final settlement papers to the Court for approval no later than April 23, 2012;
- c. On April 23, 2012, Plaintiff SEC will file its motion and supporting documents in support of an Officer and Director bar; Defendant will then have 10 calendar days to file his response to the SEC's motion; Plaintiff SEC will then have 10 calendar days to file any reply to Defendant's response;

1 d. If the SEC fails to present final settlement papers to the Court by April 23, 2012, an order
2 to show cause requiring personal appearance of all parties shall be issued;

3 e. If the SEC fails to present completed settlement papers to the Court by April 23, 2012,
4 this matter shall be set for trial on the first available date after June 1, 2012.

5 Dated this 5th day of March, 2012.

6 U.S. SECURITIES AND EXCHANGE
7 COMMISSION

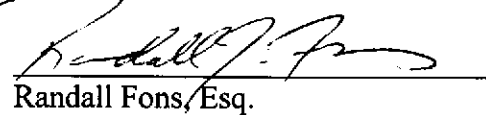
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9 Nancy J. Gegenheimer, Esq.
10 Dugan Bliss, Esq.
11 1801 California Street, Suite 1500
12 Denver, CO 80202

Counsel for Securities and Exchange Commission

Dated this 5th day of March, 2012.

MORRISON & FOERSTER LLP



Randall Fons, Esq.
12531 High Bluff Drive, Suite 100
San Diego, CA 92130-2040

Counsel for R. Brooke Dunn

13 Dated this 5th day of March, 2012.

14 VENABLE LLP

15 

16 Treazure R. Johnson, Esq.
17 575 7th St. N.W.
18 Washington, D.C. 20004

Counsel for Nicholas P. Howey

19
20 **ORDER**

21 IT IS SO ORDERED.

22 Dated this 6th day of March, 2012.

23 
24 UNITED STATES DISTRICT JUDGE
25